

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

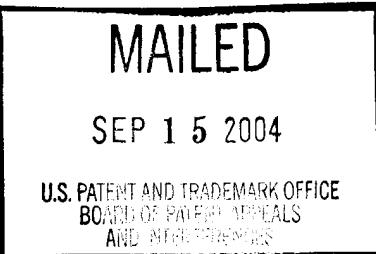
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSEPH R. BYRUM

Appeal No. 2004-1773
Application No. 09/421,106

REQUEST FOR SUSPENSION OF APPEAL



Before HARKCOM, Acting Chief Administrative Patent Judge.

The Board is in receipt of appellant's request to suspend the appeal in this case pending the decision in In re Fisher, (Application No. 09/619,643, BPAI Appeal No. 2002-2046), pending before the Court of Appeals for the Federal Circuit. In considering the matter, it appears that a decision in the Fisher case will aid in the resolution of the issues pending in this appeal. Accordingly, the request is granted to the extent that the Board will postpone consideration of the appeal in this case pending a decision in In re Fisher. See, MPEP § 1213, at 1200-31 (8th ed., August 2001).

So ordered.



Gary V. Harkcom
Acting Chief Administrative Patent Judge

**ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206**